

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION

JOSEPH HONKISZ,
Plaintiff

v.

Cause No. 4:22-cv-0080-PPS-JPK

MVS TRANSPORT, LLC, R&L
FREIGHT, JLE LOGISTICS and
GERSON MOLINA GUEVARA,

AMENDED COMPLAINT

COUNT 1

Comes now the plaintiff, Joseph Honkisz, by his attorneys, Schafer & Schafer LLP Attorneys at Law, and for his Complaint against the defendants, MVS Transport, LLC, R&L Freight, JLE Logistics and Gerson Molina Guevara allege and state:

1. That plaintiff, Joseph Honkisz at all times relevant herein was a citizen of Lake Village, the State of Indiana; County of Newton.

2. That at all times relevant herein defendant, Gerson Molina Guevara, was operating a tractor trailer semi truck which was owned and maintained by defendant, MVS Transport, LLC, operated by R & L Freight and brokered by JLE Logistics.

3. At all times relevant herein Gerson Molina Guevara was a permissive user of the tractor and the trailer.

4. That at all times relevant herein defendant, Gerson Molina Guevara, was working as an agent and/or within the scope and course of his employment for defendants, MVS Transport, LLC, R & L Freight, LLC and JLE Logistics.

5. That on and prior to August 9, 2022, Morehouse Road was a public roadway

running in a generally north and south direction and W 600 N was a public roadway running in a generally east and west direction both in the City of West Lafayette, County of Tippecanoe, State of Indiana.

6. That on or about August 9, 2022, plaintiff, Joseph Honkisz, was lawfully driving his Red Chevy Trax southbound on Morehouse Road, West Lafayette, Indiana. That at the same time defendant, Gerson Molina Guevara, was driving westbound on CR 600 N, when he carelessly and negligently failed to stop at the posted stop sign and entered the intersection causing Joseph Honkisz's vehicle to collide with the side of the defendants' trailer.

7. That defendant, Gerson Molina Guevara, carelessly, negligently, willfully and wantonly, failed to control his vehicle thereby causing the aforesaid collision, and further, was guilty of one or more of the following wrongful acts or omissions:

- a. Carelessly, negligently, willfully and wantonly failed to maintain a proper and sufficient lookout.
- b. Carelessly, negligently, willfully and wantonly disregarded a stop sign.
- c. Carelessly, negligently, willfully and wantonly failed to yield the right of way to plaintiff.
- d. Carelessly, negligently, willfully and wantonly was driving too fast for the conditions.
- e. Carelessly, negligently, willfully and wantonly failed to keep his motor vehicle under proper control.
- f. Carelessly, negligently, willfully and wantonly operated his tractor trailer semi truck so as to cause a collision with plaintiff's vehicle.
- g. Carelessly, negligently, willfully and wantonly failed to inspect the truck prior to its use.
- h. Carelessly, negligently, willfully and wantonly failed to follow the Federal Motor Carrier Safety Regulations.
- i. Carelessly, negligently, willfully and wantonly failed to use the care an

ordinarily careful person would have used under the same or similar circumstances.

8. That defendants, MVS Transport, LLC, R & L Freight, LLC and JLE Logistics, carelessly, negligently, willfully and wantonly failed to properly maintain their tractor trailer semi truck thereby causing the aforesaid collision, and further, was guilty of one or more of the following wrongful acts or omissions:

- a. Carelessly, negligently, willfully and wantonly failed to keep their truck and trailer in proper working condition.
- b. Carelessly, negligently, willfully and wantonly failed to follow the Federal Motor Carrier Safety Regulations.
- c. Carelessly, negligently, willfully and wantonly failed to use the care an ordinarily careful tractor trailer semi truck company would have used under the same or similar circumstances.
- d. Carelessly, negligently, willfully and wantonly failed to use the care an ordinarily careful trailer company would have used under the same or similar circumstances.

9. That as a direct and proximate result of one or more of the aforesaid wrongful acts or omissions of the defendants, plaintiff's vehicle was substantially damaged and plaintiff further lost the use of the same.

10. That as a further direct and proximate result of one or more of the aforesaid wrongful acts or omissions of the defendants, plaintiff, Joseph Honkisz, sustained severe and permanent injuries, disfigurement, deformity, physical pain, mental suffering, is unable to function as a whole person, and has a diminished quality of life.

11. That as a further direct and proximate result of one or more of the aforesaid wrongful acts or omissions of the defendants, plaintiff, Joseph Honkisz, suffered multiple injuries including but not limited to a traumatic brain injury, spinal injuries, shattered his left femur resulting in surgery with placement of a titanium rod, and a compression fracture of T4

vertebrae all of which require medical care and treatment, and further, has become liable for past and future medical expenses, has past and future lost wages and earning capacity, has and will be kept from attending to his ordinary affairs and duties and has and will lose great gains which he otherwise would have made and acquired and has sustained permanent injuries that has irreversibly altered his life.

WHEREFORE, plaintiff, Joseph Honkisz, demands judgment against the defendants, MVS Transport, LLC, R & L Freight, LLC, JLE Logistics and Gerson Molina Guevara for such sums as are reasonable in the premises, for compensatory and punitive damages, for costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

SCHAFER & SCHAFER, LLP
ATTORNEYS AT LAW

BY: /s/Todd S. Schafer
TODD S. SCHAFER
Atty #29474-64
Attorney for Plaintiffs

JURY DEMAND

Come now the plaintiffs, by counsel, and demand a trial by jury on issues triable by a jury.

Respectfully submitted,

SCHAFFER & SCHAFFER, LLP
ATTORNEYS AT LAW

BY: /s/Todd S. Schafer
TODD S. SCHAFFER

CERTIFICATE OF SERVICE

I certify that on the 5TH day of December, 2023, service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein via the Court's Electronic Filing System.

/s/Todd S. Schafer